

JOURNAL OF THE HOUSE.

Monday, June 19, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we pause for a moment of personal prayer, personal reflection and personal meditation on spiritual values and realities. We also pray for the knowledge, wisdom and courage to address thoughtfully the legislative and policy issues of this day. As elected leaders in our communities, help us to comprehend and distinguish the right decisions from merely popular choices. Grant us the patience to articulate clearly the reasons for our choices, ideals and goals. May we join together in making our communities safe, united and civil.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Linda Mauro and Helene Demmer, and their sons Nicholas Mauro and Eric Demmer. They were the guests of Representative Walrath of Stow.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Gomes of Harwich) congratulating Dr. Karl Weiss on his many accomplishments;

Resolutions (filed by Representatives Parente of Milford, Peterson of Grafton, Kujawski of Webster and Callahan of Sutton) congratulating Paul D. Daigle on his retirement after thirty-six years of service to students, parents and communities of the Commonwealth;

Resolutions (filed by Ms. Polito of Shrewsbury) honoring Nick Prefontaine of Shrewsbury on being recognized by the Boston Celtics as a "Hero Among Us" during the 2005-2006 basketball season; and

Resolutions (filed by Ms. Polito of Shrewsbury) honoring Jane Smith of Shrewsbury on being recognized by the Boston Celtics as a "Hero Among Us" during the 2005-2006 basketball season;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peisch of

Wellesley, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Surplus
property.

The House Bill further regulating the development of underused state-owned real property and the disposition of state-owned surplus real property (House, No. 4491) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2521) (in which the House had non-concurred).

Committee of
conference.

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Montigny, Fargo and Knapik had been joined as the committee on the part of the Senate.

Permitting
process.

The House Bill relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4968) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2566) (in which the House had non-concurred).

Committee of
conference.

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Hart, McGee and Tarr had been joined as the committee on the part of the Senate.

Worcester,
parking.

The engrossed Bill relative to the financing and construction of a public parking garage and other improvements in the city of Worcester (see Senate, No. 2172, amended) came from the Senate with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2585.

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Nursing home
residents.

Requiring adequate discharge planning for nursing home residents (Senate, No. 403) (on a petition);

Teachers,
retirement.

A Bill relative to the retirement allowance for certain teachers (Senate, No. 2302, amended striking out the figures "2020" and inserting in place thereof the figures "2010") (on Senate, No. 1525);

Barnstable,
land.

Authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Barnstable (Senate, No. 2420) (on a petition);

Disabled
veterans.

Relative to disabled veterans' motor vehicle plates (Senate, No. 2428) (on a petition); and

To study long term care options for adult onset chronically ill, physically or neurologically disabled young and middle aged adults between ages 19 and 59 (Senate, No. 2582) (on Senate bill No. 2145);

Long term
custodial
care.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to clinical laboratories (Senate, No. 725) (on a petition); and

Clinical
laboratories.

Designating a certain bridge in the city of Waltham as the Willaim F. Stanley bridge (Senate, No. 1903) (on a petition);

Waltham,
Stanley
Bridge.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of James E. Timilty for legislation relative to tax credits for the purchase of hearing aids, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Health.

Hearing aids,
tax credits.

The House then concurred with the Senate in the suspension of said rule. On motion of Mr. Binienda of Worcester, the petition (accompanied by bill) then was referred, in non-concurrence, to the committee on Revenue. Sent to the Senate for its action.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2588) of James E. Timilty, Richard J. Ross, Louis L. Kafka, Robert K. Coughlin and other members of the General Court for legislation to permit the Massachusetts Water Resources Authority to enter into an agreement with the town of Walpole for the use of certain land for recreational purposes. To the committee on Bonding, Capital Expenditures and State Assets.

Walpole,
MWRA.

Petition (accompanied by bill, Senate, No. 2589) of Bruce E. Tarr, Barry R. Finegold, Susan C. Tucker, Geoffrey D. Hall and other members of the General Court for legislation relative to the Northeast Solid Waste Committee. To the committee on Environment, Natural Resources and Agriculture.

Northeast
Solid Waste
Committee.

Petition (accompanied by bill, Senate, No. 2590) of James E. Timilty, Pamela P. Resor, Richard T. Moore, Jennifer M. Callahan and other members of the General Court for legislation to further regulate tanning facilities. To the committee on Public Health.

Tanning
facilities,
regulating.

Petition (accompanied by bill, Senate, No. 2591) of Thomas M. McGee, Robert F. Fennell, Stephen M. Walsh, Mark V. Falzone and other members of the General Court for legislation to restrict the use of certain amusement devices. To the committee on Public Safety and Homeland Security.

Amusement
devices.

Petition (accompanied by bill, Senate, No. 2592) of James E. Timilty for legislation relative to property taxes and senior citizens. To the committee on Revenue.

Senior
citizens,
property tax.

Petition (accompanied by bill, Senate, No. 2593) of Michael W. Morrissey for legislation to promote electric generation via renewable resources; and

Renewable
energy.

Alternative
energy.

Petition (accompanied by bill, Senate, No. 2594) of Michael W. Morrissey for legislation relative to the creation of an alternative energy portfolio standard;

Severally to the committee on Telecommunications, Utilities and Energy.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Criminal
background
checks.

Petition (accompanied by bill) of Robert Correia and others relative to criminal background record information checks of employees caring for elderly and disabled persons; and

Frances M.
Ravish,
sick leave.

Petition (accompanied by bill) of Christopher J. Donelan for legislation to establish a sick leave bank for Frances M. Ravish, an employee of the Department of the Trial Court;

Severally to the committee on the Judiciary.

Cigarette
excise,
wholesalers.

Petition (accompanied by bill) of Joseph F. Wagner for legislation to further regulate certain penalties imposed on wholesalers under the cigarette excise tax law. To the committee on Revenue.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Renewable
energy.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of certain House documents concerning telecommunications, utilities, energy and the bottle bill (House, No. 4685) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3280) of John J. Binienda relative to the renewable energy portfolio,— and recommending that the same be recommitted to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted.

Weymouth,
land
conveyance.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain Senate and House documents concerning land use regulations and land in the town of Weymouth (House, No. 4954) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4745) of Robert L. Hedlund and others (with the approval of the mayor and town council) that the town of Weymouth be authorized to sell or convey a certain parcel of land held for water supply purposes,— and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill changing the retirement classification of emergency medical services employees in the town of Billerica (Senate, No. 2093) ought to pass with an amendment.

Billerica
EMS.

By the same member, for the committee on Ways and Means, that the Bill relative to the leasing of publicly owned land for agricultural purposes (House, No. 4658) ought to pass with an amendment.

Agricultural
land.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following matters ought to pass:

Bills

Transferring employees of the Berkshire regional planning commission to the state retirement system (Senate, No. 1570, amended);

Retirement
system.

Relative to a certain corporate credit union (Senate, No. 2286);

Credit unions.

Relative to the interstate insurance compact (House, No. 1515);

Interstate
insurance.

Relative to the registration of podiatrists (House, No. 2684);

Podiatrists.

Relative to the Massachusetts Insurers Insolvency Fund (House, No. 3054);

Insolvency.

Establishing a Massachusetts work-family council (House, No. 4216);

Work-family
council.

Requiring safety belts for passengers on public school buses (House, No. 4436);

School buses,
safety belts.

Relative to retirement benefits for Stuart Freedman (House, No. 4518);

Stuart
Freedman.

Establishing an environmental appeals panel within the Division of Administrative Law Appeals (House, No. 4596);

Environmental
appeals.

Relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (House, No. 4661); and

Rowley.

Relative to the minimum wage (House, No. 4781);

Minimum
wage.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Requiring the inspecting and securing of unsafe or abandoned buildings (Senate, No. 1370);

Abandoned
buildings.

Princeton.

Authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation recreation purposes (Senate, No. 2355); and

Bridges.

Designating certain bridges in the Commonwealth (Senate, No. 2559); and
House bills

Disabled persons.

Relative to the authority of the Disabled Persons Protection Commission (House, No. 2847);

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Relative to the authority of the Disabled Persons Protection Commission (House, No. 2848);

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Relative to the disclosure of information held by the Disabled Persons Protection Commission (House, No. 2849);

H

Regarding the definition of "disabled person" as used by the Disabled Persons Protection Commission (House, No. 2850);

End of life care.

Relative to the Massachusetts Commission on End of Life Care (House, No. 3641); and

Assisted living.

Relative to services offered in assisted living facilities House, No. 4895); and

Burton W. Gerrig.

The House Resolve in favor of Burton W. Gerrig, Esquire (House, No. 4048);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bills enacted.

Relative to certain motor vehicle violations (see Senate, No. 2132, amended); and

Regulating college student meningococcal disease immunization (see Senate, No. 2290, amended);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at nine minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Reconsideration.

Junior operator's licenses.

Ms. Peisch of Wellesley moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill further regulating driver education and junior operator's licenses (House, No. 4826, amended); and the motion to reconsider was considered forthwith; and it prevailed.

The same member then moved that the vote be reconsidered by which the House adopted the amendments (offered by Messrs. DeLeo of Winthrop, Wagner of Chicopee, et als); and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, Ms. Peisch moved that they be amended in proposed section 8, in the second paragraph, by striking out "No person holding a junior operator's license shall operate a motor vehicle during the first 6 months of licensure while a person under 18 years of age, other than the operator," and inserting in place thereof "No person holding a junior operator's license shall operate a motor vehicle during the first 6 months of licensure while a person under 18 years of age, other than the operator or an immediate family member of the operator,". The further amendment was adopted.

The amendments, offered by Messrs. DeLeo and Wagner, et als, as amended, then also were adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 5064, printed as amended) then was sent to the Senate for concurrence.

Orders of the Day.

House bills

Regulating vehicle protection product warranties (House, No. 3062) (its title having been changed by the committee on Bills in the Third Reading); and

Third reading bills.

Authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (House, No. 4656);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next sitting.

At a quarter after twelve o'clock noon, on motion of Mr. Fagan of Taunton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.